

FILED
IN CLERKS OFFICEBarnstable Jail
6000 Sheriff Place
Buzzards Bay, MAHon. Judge ANTHONY D. BURRUGHS
United STATES DISTRICT COURT

2021 AUG 13 AM 11:57

02352

1 Courthouse Way
Boston, MA 02110U.S. DISTRICT COURT
DISTRICT OF MASS.

July 28, 2021

MOTION REQUESTING INJUNCTION
AND RESTRAINING ORDERAGAINST BARNSTABLE SUPERIOR COURT

Your Honor, I respectfully request that you intervene to protect my Constitutional Right to Represent myself in Barnstable Superior Court where its judges have appointed 5 Attorneys All unwilling to file a Motion to Dismiss because the detective that arrested me withheld the emirical, exculpatory evidence proving my innocence until the "evening" of the grand jury - then came and with the District Attorney's assistance - misled them by misdirection and outright perjury.

I am herewith presenting to you the evidence that proves my innocence of which not one of my 5, state paid, court appt. lawyers have used to gain a dismissal.

Consequently, I remain held PRE-TRIAL, over 3 years, being terrorized as a "child *Rapist" by staff and inmates - deprived of my freedom and right to represent my self.
(Review Smith vs Lewis CV 3:20 3017.3 KAR) A
C.O. found guilty of Numerous P.R. E.A.s !!

-2-

On July 5, 2018, 15 year old Connor Peterson - 2 weeks shy of 16, exited my vehicle at 2:30 am, called 911 and told police that he awoke to find my mouth "on his junk" as if "giving a blow job." C.P. was taken to Cape Cod Hospital where he told Nurses doing Rape Kit - he did not wash off, shower, or bath since calling 911. Please see Form 2B (Exhibit). How could he? He dialed 911 and went along with the police!

Five weeks later the Criminalistics Report showed that 6 Buccal swabs were used to swab his genital region - I learned since 1 swab was taken at inside his penis - an area he could not wash off.

Please see the Results of said testing - NO DNA detected on his genital region!!

I should have never been indicted on child Rape!! (Other DNA on hands tested not mine!) However, Det. Lobos, the officer that arrested me, refused to hear my side, took me to jail without investigating or really challenging any of this kid's numerous and obvious lies - withheld both of these Reports - for 5 1/2 months - depriving me of a Probable Cause Hearing. She then came before the grand jury and presented these Reports as such:

-3-

DA Patterson: "Was there an exam done on CP's genital region?"

Det. Lobur: "Yes"

DA Patterson: "And was there any semen or seminal fluid detected?"

Det. Lobur: "No"

Conveniently, they excluded the fact that NO SALIVA was detected - They also turned these two reports into "an exam." When these reports should have been Exhibited and explained to the grand jury!!

Basically, they put on a magic show and made the exculpatory evidence disappear! POOF!!

And here I sit -

But this is only the start of the gross violation of my civil rights by the state of Massachusetts Barnstable Superior Court.

Det. Lobur also committed perjury, twice, during the grand jury when she testified that my phone records (texts) "were similar" to my accusers - And also that a phone expert determined they matched. When, in fact - he had deleted over 260 Records.

-4-

And many records/texts/calls made were highly exculpatory and favorable to me in that they supported my claims of fix motive to lie - Namely that he had hurt (putting bumps on him) and abused my dog, Teddy.

Det. Lober not only committed perjury about our phones matching, but she encrypted CP's phone dump disc - and thereby, thanks to my state appt. Attorney's negligence - kept me from learning these things for 2½ years!!

(I asked every single Attorney assigned to my case, since July 2018 to do 3 Things:

- 1) Get my accuse's phone Records printed out and Reviewed.
- 2) Get the exam Report of my dog.)
- 3) Get Crown n Archer's menu.

My 4th Attorney, Matthew Schmitt, told me: "I will help get CP's phone Records but I want off this case. My son's Name is the Same as Corners - i.e. alleged victim - and this case is hot political potato" He then sent PA Patterson 3 letters asking him to Ask the police to kindly provide the software

-5-

to access the alleged victim's phone! (Please see his letters as Exhibits.)

Your Honor, This is OUTRAGEOUS - Here it was 20 months since my arrest, 20 months in jail terrified as a child Rapist, and I had not been given this kid's phone Records!!

I got the records and a new lawyer, Mr. Matthews Ryan out of Plymouth. I asked Judge Rubin to Appt. an attorney not practicing in Cape Cod - he gave me Ryan - "out of Plymouth."

I came to learn 8 months later, whereas he's from Plymouth, he regularly does practice in Cape Cod!!

He sent me CP's phone records printed microscopically and 100's of totally unrelated pages - as the phone had once been CP's mother - Records went back to 2013 - and included sexts between her and her fiance!!

I kept telling Mr. Matthews I could not read what he paid 13.00 to send to me - But he did nothing - nor revealed what I would eventually discover when the Captain of my unit - provided a magnifying-

-6-

ing glass - CP had deleted extensively. Not only that but he sent 13 texts while still at the police dept. about my dog - All showing his consciousness of guilt in hurting him - including the offer to "pay the vet bill."

It also included a totally different story to his girl - That "He only touched my dick" Is that all, his girl asked. "Yes." He answered. I didn't do that either!!

He advised a friend, depressed that her dad cheated on her mother, "Just Kill your dad and make your mom happy." This is texts he tried to delete but the expert did retrieve it...

Only once I knew the contents of CP's phone did Ryan Matthews acknowledge all of this - suddenly he's telling me about it. He told me over 1 year ago if CP permanently deleted records it would be strong grounds for a dismissal. He took months to get a phone expert - And Det. Lobue played games giving up the phone - initially trying to claim it was returned to CP.

The extraction was pointless, my way, because Barnstable's Bureau of Investigation performed a forensic extraction on 8-7-2018

-7-

And delivered it to Det Lober's hands!
 She withheld this phone record along
 with the Hospital Reports and DNA Report.
 How do I know? And prove it?

I have a letter of Discovery prepared by
 Det. Lober dated OCT 2018—listing ALL the
 discoverable documents delivered by hand
 to DA Vmeria of Orleans District Court
 and these exculpatory items are not listed!

Then, in November 2018, 5 months after
 my arrest, Mr. Vmeria argued and got 30
 more days—As he was wanting the phone
 records and Hospital Report. He made NO
 mention of the Criminalistics Report!!

It took me 1 1/2 years to get a copy
 of the Court Minutes for this Record!! And
 I will gladly provide it to the Court.

C.P.'s phone records revealed that his
 Aunt texted him, as I sat here on my
 birthday, July 16, 2018—“I know you stole
 Marcus Silver Vape. We don't care if you
 use it. Just give it back and no one
 will be mad.”

C.P. TOLD Det. Lober that I had
 bought him a 100.00 vape. That he did
 not want it, his mom would kill him,
 and only smoked it as I kept looking

-5-

At him!! No! He tried to steal it!

His phone records also revealed An obsession with hard-core pornography as well as many searches on information about rapes.

Yet, Det. Lobur took the stand and testified that I bought him gifts—including an illegal—(for him) viagra. ~~I~~ ²⁰²⁰ bought it for myself!

Last November, I asked to represent myself because Attorney Mitthaus told me on the phone, at Berkshire Jail, "I will NOT let you Review the Motion to Dismiss—because I Am the attorney and you are the client". I told Hon. Judge Gildea that Ryan Matthews would not show me his MOTION before he submitted it—And I objected because he's arguing that Det. Lobur is incompetent and I insist she's not incompetent but corrupt.

Ryan agreed before Judge Gildea to let me Review said MOTION TO DISMISS but he soon raised issue with my competency on the grounds that I had "revealed his strategy in open court" i.e. to argue Det. Lobur's incompetency.

Basically, he intended to give Det. Lobur the argument of testifying in good faith about the phones matching!

-9-

Mr. Matthews had DR. TOWERS, the court psychologist, interview me via his cellphone - he had already skewed her opinion by talking to her beforehand. No matter what I told her - I was going to BSH for an eval.

I was found Competent by DR. Ariel Ingber. She spoke to me 20 hours and gave me a 2hr. psychologist test. All it showed was a slight elevation of NARCISSISM. I agreed to work with Ryan Contigent on review of his MOTION TO DISMISS.

He sent a copy marked (Water blot) DRAFT. And as I feared, it was Totally unacceptable because he indeed gave Det. Lobur the good faith argument I feared he would, twice he wrote "Det. Lobur did not look at CP's phone" when she testified. He also wrote that the District Attorney had not withheld exculpatory evidence.

When I confronted Ryan on the phone, he kept saying "Do you know what a draft means?" Yes, I answered - But the question is still the same - why would you include this statement when its not true. He did withhold evidence.

Also excluded and not mentioned in

-10-

his draft to Dismiss -

(1) The fact of CP's destruction of cell phone records and Det. Lobur's perjury.

(2) How the District Attorney and Det. Lobur misled the grand jury on the DNA and Hospital Report Records by misdirection and misleading presentations.

(3) Nothing about his Aunt's Accusation of Stealing a phone or his suggestion to kill the father.

(4) Det. Lobur's encryption of CP's phone dump disc and the 2½ years it took before I was given a printout of his phone records. How could I go to TRIN in a Speedy manner without my Accuser's phone records - yet Det. Lobur had a full extraction since 8-9-21 (See exhibit)

Your Honor, I am competent. But my attorney has fought to gain a finding of incompetence solely to prevent me from representing my self - He's not serving my interests but his own - in that he doesn't want to make enemies out of the local police or District Attorney's Office... He has delayed my progress on my case since November 2020.

-11-

Finally, he has tried to withdraw only because I filed a lawsuit for one million dollars against him - even though he knows it has been dismissed...

He totally screwed up my case. His efforts to get me found incompetent resulted only in giving the District Attorney piles of information about me generated by two enthusiasts at state hospitals -

Finally, your honor, look at the letter ^(Ryan) he sent to me about my dog - after 2 1/2 years asking all my attorneys to get the exam report of my dog, since my first attorney in Apr 2018, so I could prove this kid put lumps on Teddy - I had Teddy examined by Johnstons Vets in NY on 6-29-2018 - so if lumps were on him on 7-5-2018 - my date of arrest - then it would prove the lumps were not cancer as he tried to claim - but done to him by someone and nobody but this kid who was alone with Teddy except for me!!)

Ryan tells me, basically, that a bill for a vaccination proved no injury on Teddy at the time of my arrest!! Well, at W.R.C.H I had use of a cordless phone. So I called Herring Cove Vet. Hospital where the vaccine bill was generated. I asked Maria for a

-12-

Copy of the exam report. And gave her the Acct. Number for the vaccination. She said there is no exam report as the Ptown police don't need pay their 66.00 fee to get A dog vaccinated!

I learned this with one call AT W.R.C.H.
I also called Sandra Darling of Animal Inn, in Forestdale—where Teddy supposedly stayed long enough to run up A 1,200 boarding bill which Ptown police paid. She ~~denied~~ having records of his stay to A Subpoena... So I also called her and posed AS A potential customer—to pay cash to board my dog for 2 months—only my wife, Nicole Mercedes, is worried they don't keep records! Sandra bragged how they use Kennel cards to keep track of ALL dogs—And emailed it to my sister Nicole!! I also spoke to her 17 year employee Chris—who told me he'd never seen A dog there from Ptown before! I believe Det. Lobur took my dog, A 2,000 Irish Pro, home... She only learned 2 months later my allegations of Connor Peterson hurting my dog!! Yaw know, I Am NOT incompetent. I'm too competent for Mr. Matthews to sell me out! Please—Please Help me!! I want my freedom. I AM innocent. Respectfully,
Steven L Smith
PRO SE

7-27-21